



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Text

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REQUEST FOR DIRECTION

DATE: October 12, 2020

Report No. DEV-20-066

TO: Laurie Hurst, Chief Administrative Officer

FROM: Tricia deMacedo, Policy Planner and Bill Brown, Director of Development Services

SUBJECT:

Detached Accessory Dwelling Units Engagement Results

ESSENTIAL QUESTION:

Would Council like to amend the proposed regulations for Detached Accessory Dwelling Units (DADUs) based on the public engagement results?

RECOMMENDATION:

That the COTW receive Staff Report No. DEV-20-066 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare zoning bylaw amendments for Council's consideration.

BACKGROUND:

The following Appendices are attached to this report:

Appendix A: Survey results

Appendix B: Map of eligible properties

Appendix C: Building diagrams and photos

Appendix D: Correspondence

On March 9, 2020, Council considered the proposed regulatory framework presented by staff for Detached Accessory Dwelling Units. Council at that time directed staff to undertake consultation with the public prior to bringing forward zoning bylaw amendments and development permit (DP) guidelines for Council's consideration.

A survey to gauge the public level of support for the proposed regulations for DADUs was tested on a small group and then launched on May 10, 2020. The survey ran for approximately 5 weeks in which time 484 respondents completed the questionnaire. At the same time, the community planning webpage of the Esquimalt website was updated to include a page for DADUs, which contained the March 9 staff report, the proposed regulations, a map of the proposed eligible properties and a set of Frequently Asked Questions. This webpage has been viewed over 1000 times since May.

The purpose of this staff report is provide the public engagement results and obtain Council direction on possible changes to the regulatory framework that reflects the comments made in the survey and from correspondence.

ISSUES:

Engagement Summary

The primary method of collecting feedback on the proposed regulations was via a public survey launched on May 10, 2020. The survey was hosted on the Township website and also advertised via the Township's social media sites. Additional outreach for the DADU survey was done through

- Posters in popular areas like Red Barn, Country Grocer and Tudor Liquor Store
- Direct email to UDI
- Direct email to "news" subscribers
- Social media ads
- Digital screen at the Municipal Hall
- Poster to community board at West Bay
- Chamber of Commerce email to members

Between May 10 and October 1, 2020, there were 1094 pages views on the detached suites webpage. A press release regarding the survey was launched on May 13, 2020.

The results of the survey are attached in Appendix A. Four hundred and eighty four surveys were completed by the closing date on June 15, 2020. Ninety six percent of the respondents indicated they currently live in Esquimalt with one quarter also self reporting that they live within the Saxe Point area. Fifty percent of the respondents are between 31 and 49 years of age and 44% indicated they would like to build a DADU or may want to build a DADU in the future.

Results of the survey include the following:

- Eighty-four percent of respondents are very supportive or supportive of legalizing DADUs.
- Sixty-three percent of respondents are very supportive or supportive of using Development Permits to regulate DADUs. Of those who responded they would prefer a different process, 70% thought a building permit would be adequate.
- Support for a height limitation of 1 storey is roughly equivalent to support for 1.5 storey DADUs (33% vs. 30%).
- Fifty-three percent of respondents are very supportive or supportive of allowing a larger size DADU on larger lots.
- Approximately half of respondents are very supportive or supportive of allowing up to three units on a property and approximately 25% of respondents are not supportive or not supportive at all of allowing three units.
- Fifty percent of respondents are very supportive or supportive of the eligibility requirements for properties.
- Privacy was the most important factor respondents would like Council to consider when creating development permit guidelines for DADUs in Esquimalt.

The main issues that staff would like direction from Council include: which properties are eligible for a

DADU, floor area, height and parking. Once staff receive this direction, bylaw amendments and Development Permit (DP) guidelines will be drafted for a future Council meeting.

Eligible properties

Respondents were provided with a map of the Esquimalt neighbourhoods and asked to choose which areas they thought were not appropriate for DADU developments. Respondents were able to choose multiple neighbourhoods if they wished. Seventy percent of respondents answered that all neighbourhoods would be appropriate for DADUs. The three neighbourhoods that were selected the most as inappropriate locations for DADUs were Saxe Point, West Bay and Esquimalt Village. Overall, nine percent of respondents feel that Saxe Point is not an appropriate locale for DADUs however, of those who indicated that they live in Saxe Point, only sixteen percent checked Saxe Point as an inappropriate location for DADUs.

Generally there is support for allowing DADUs on more properties than the proposed regulations would allow (see comments page 24-29). In particular, the survey showed that there is considerable interest in expanding the eligible properties to include properties that are currently duplex-zoned, but where only one unit has been constructed. Twenty five percent of the written comments regarding eligible properties were about adding duplex-zoned properties and over 50% of the respondents said they are very supportive or supportive of allowing DADUs on lots with duplex zoning (p.22).

If Council is supportive of allowing DADUs where properties are currently zoned for a duplex but only have one unit, staff suggest that a second new zone be created (RD-4) for these properties. The map of eligible properties has been modified to show the estimated number of these sites (Appendix B). An RD-4 zone would add approximately 320 properties that meet the proposed requirements for lot size (same as for RS-6) and are not located on the waterfront, a panhandle lot or designated anything other than low density in the Official Community Plan). As with the proposed RS-6 zone, owners who build a DADU would have to be bound to the requirement never to stratify the property in the future. Staff are currently investigating the best mechanism to secure this prohibition on stratification but it appears that a section 219 covenant may be an appropriate method.

Should Council not support allowing duplex-zoned properties to automatically be eligible where only one unit is constructed, owners would still be permitted to apply for a rezoning to the RS-6 zone through the normal rezoning process with a public hearing requirement.

Floor area

The proposed regulations would limit floor area to 65m² for all eligible properties regardless of the lot area. As it is a measure of density, floor area cannot be varied so where a larger DADU would be reasonable in terms of lot coverage or privacy, residents would not be able to increase the size without applying to rezone. For comparison, garden suites on large lots in Saanich (properties greater than 1000 m²) are permitted up to 93 m².

Fifty three percent of respondents to the survey are very supportive or supportive of allowing additional floor space for DADUs on larger lots in Esquimalt. There are approximately 217 eligible properties (see table below) that are larger than 1000 m². If Council is supportive of increasing the floor area allowance, staff recommend that a separate category of eligible properties be established for lots greater than 1000 m². This would align with the 'large properties' category that Saanich has created for properties the same size. DADUs on this larger category of lot could also potentially have

an increased allowable height (see next section) and setbacks from property lines well to ensure privacy for neighbouring properties.

	Eligible Properties < 1000m ²	Eligible Properties >= 1000 m ²	Total Eligible Properties
Single Family Residential zoned	943	155	1098
Duplex zoned with only one unit constructed.	308	62	370
Total	1251	217	1468

Height

Respondents to the survey were asked what their preference was for the potential maximum height of DADUs in Esquimalt. The options were one storey, one and half storeys and two storeys; for simplicity no height was attached to these options. The survey results show that support for one storey DADUs (33%) and one and a half storey DADUs (30%) is very similar, and there is slightly less support for 2 storey DADUs (25%).

The proposed regulations have height capped at 3.6 m which is the current allowable height for an accessory building with the same required setbacks. A 3.6 m height cap only allows for one level with a full ceiling height (2.44 m/ 8 feet) in the building.

Garden suite regulations in both Victoria and Saanich cap height at 4.2 m (sloped roof) for garden suites on sites larger than 560 m². A DADU at this height would have no livable space on the second level; this extra height is only useful to create taller ceilings or to obtain second level storage space (see Diagram A, Appendix C). Taller ceilings can make smaller living units seem more spacious and is the main reason these municipalities are allowing this increased height. In addition, Saanich allows garden suites up to 6.5 m (5.5 with flat roof) on their 'large lots' greater than 1000 m². This height allows for a full two storey building to be constructed.

The advantage of allowing additional height is that the footprint of the building can be reduced, allowing for more options for tree preservation and siting on oddly shaped lots. Council recently approved a rezoning application for a DADU on Joffre Street. The zoning that was approved would allow a DADU up to 5.2 m in height (Diagram B, Appendix C). The lot size in this case is just under 700 m². Given this recent decision, staff are seeking Council direction on whether they would like to extend this height allowance (or another maximum height) to all potential DADUs in the Township, or alternatively only the largest eligible lots, such as those greater than 1000 m². Staff would then conduct a height analysis to determine a suitable maximum height for DADUs with flat roofs.

Parking

The survey asked respondents how important it was to have one additional parking space on the property for a DADU. Thirty two percent of respondents indicated this was very important and 24%

indicated it was important for a total of 56%. Interestingly, 24% indicated it was either not important or not important at all. A large number of comments were received for this question as it is clearly an issue that residents feel strongly about. The main rationale given for requiring a parking space is that street parking would increase. However, many diverse rationales for not requiring a parking space were also provided, such as the need to encourage alternative transportation and discourage car ownership, the possibility that the renter(s) would not own a car, the proximity to transit and bike trails, the increased cost to build housing, removal of landscaping and mature trees and the increased amount of impervious surfaces created by parking spaces.

Vehicle parking on single family lots is a significant cause towards the loss of the urban forest along with other greenspace. One additional parking space built to the required dimensions under the parking bylaw uses 14.3 m² (not including drive aisles), which is 22% of the allotted floor space for a DADU.

Many municipalities are reducing their vehicle parking requirements as a climate action measure to encourage alternative transportation as well to reduce the additional cost to housing construction of building vehicle parking spaces. Additional parking for a DADU is not required in the City of Victoria but is a requirement in Saanich. Staff continue to recommend that parking be considered on a case by case basis, taking into consideration the following factors:

- Proximity to transit and alternative transportation routes;
- Street parking availability;
- The car ownership of the prospective residents; and
- The size of the DADU.

DADUs both with and without additional vehicle parking will be encouraged to provide secure, covered bicycle parking for future residents. However, should Council choose to require additional parking, the following mitigation measures are recommended:

- That there would be no additional curb cuts allowed for access to parking;
- That trees may not be removed for parking; and
- That parking be allowed in tandem with existing parking (i.e. behind each other and not necessarily behind the front face of the building as per Section 9. (4) of the Parking Bylaw 1992, No. 2011.

Other

Several residents wrote to express their strong desire to have DADUs or the principal building be owner occupied. While this is an understandable desire, the zoning bylaw does not permit the municipality to regulate who lives in a particular dwelling unit. Legal opinion has been obtained that indicates local governments do not have authority to make this a requirement, similar to secondary suites.

However, Esquimalt is able to regulate the use of DADUs and as such will write zoning bylaw amendments to ensure that they are not used for short term, Air BnB type rentals. This was also a frequently noted comment both in the survey and in written correspondence.

In conclusion, the public engagement for Detached Accessory Dwelling Units showed significant public support among residents for this form of housing development. Generally, the proposed regulations are also supported, as is using the development permit process to regulate the design of

DADUs in the municipality. Once staff receive Council direction on the issues before them tonight, staff will start drafting bylaw amendments and development permit guidelines for Council's approval.

ALTERNATIVES:

1. That the COTW receive Staff Report No. DEV-20-066 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare a staff report for Council's consideration.
2. That the COTW provide alternative direction to staff.
3. That the COTW request further information from staff.